

**PATENT**

## COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION OR C-I-P)

**As a below named inventor, I hereby declare that:**

### TYPE OF DECLARATION

This declaration is of the following type:

(check one applicable item below)

- ☐ original.
- ☐ design.
- ☐ supplemental.

**NOTE:** If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application, do not check next item; check appropriate one of last three items.

- ☐ national stage of PCT.

NOTE: If one of the following 3 items apply, then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR C-I-P.

- ☐ divisional.  
☐ continuation.  
☒ continuation-in-part (C-I-P).

## INVENTORSHIP IDENTIFICATION

**WARNING:** If the inventors are each not the inventors of all the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

## FOLDING MULTI-TOOL WITH ADJUSTABLE PLIERS

## SPECIFICATION IDENTIFICATION

the specification of which:

(complete (a), (b) or (c))

(a) ☒ is attached hereto.

(b) ☐ was filed on \_\_\_\_\_, as ☐ Serial No. 0 / \_\_\_\_\_  
or ☐ Express Mail No., as Serial No. not yet known \_\_\_\_\_  
and was amended on \_\_\_\_\_ (if applicable).

NOTE: Amendments filed after the original papers are deposited with the PTO that contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.

(c) ☐ was described and claimed in PCT International Application No. \_\_\_\_\_, filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_ (if any).

## ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56,

(also check the following items, if desired)

☒ and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, and

☐ in compliance with this duty, there is attached an information disclosure statement, in accordance with 37 CFR 1.98.

## PRIORITY CLAIM (35 U.S.C. § 119(a)-(d))

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

(d) ☒ no such applications have been filed.

(e) ☐ such applications have been filed as follows.

NOTE: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

(Declaration and Power of Attorney [1-1]—page 2 of 6)

**PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION  
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119(a)-(d)**

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
			<input type="checkbox"/> YES    NO <input type="checkbox"/>
			<input type="checkbox"/> YES    NO <input type="checkbox"/>
			<input type="checkbox"/> YES    NO <input type="checkbox"/>
			<input type="checkbox"/> YES    NO <input type="checkbox"/>
			<input type="checkbox"/> YES    NO <input type="checkbox"/>

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)  
(34 U.S.C. § 119(e))**

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

PROVISIONAL APPLICATION NUMBER

FILING DATE

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CLAIM FOR BENEFIT OF EARLIER US/PCT APPLICATION(S)  
UNDER 35 U.S.C. 120**

- ☒ The claim for the benefit of any such applications are set forth in the attached ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CONTINUATION-IN-PART (C-I-P) APPLICATION.

**ALL FOREIGN APPLICATION(S), IF ANY, FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

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**NOTE:** If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete **ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR C-I-P APPLICATION** for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. § 120.

**POWER OF ATTORNEY**

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

*(list name and registration number)*

Arthur A. Gardner  
Registration No. 33,887

*(check the following item, if applicable)*

- ☐ Attached, as part of this declaration and power of attorney, is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

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**SEND CORRESPONDENCE TO**

Arthur A. Gardner  
400 Northpark Town Center  
Suite 1250  
1000 Abernathy Road  
Atlanta, GA 30328

**DIRECT TELEPHONE CALLS TO:**  
*(Name and telephone number)*

Arthur A. Gardner  
(770) 394-7400

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**DECLARATION**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(Declaration and Power of Attorney [1-1]—page 4 of 6)

## SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name, as it should appear on the filing receipt and all other documents.

Full name of sole or first inventor

<u>Herman</u>	<u>J.</u>	<u>McIntosh</u>
<small>(GIVEN NAME)</small>	<small>(MIDDLE INITIAL OR NAME)</small>	<small>FAMILY (OR LAST NAME)</small>

Inventor's signature Herman J. McIntosh

Date 1-10-97 Country of Citizenship US

Residence 1306 Delwood Drive, Jacksonville, AL 36265

Post Office Address 1306 Delwood Drive, Jacksonville, AL 36265

Full name of second joint inventor, if any

<u>Ken</u>	<u>E.</u>	<u>Griffey</u>
<small>(GIVEN NAME)</small>	<small>(MIDDLE INITIAL OR NAME)</small>	<small>FAMILY (OR LAST NAME)</small>

Inventor's signature Ken E. Griffey

Date 1-10-97 Country of Citizenship US

Residence 1204 Derek Drive, Jacksonville, AL 36265

Post Office Address 1204 Derek Drive, Jacksonville, AL 36265

Full name of third joint inventor, if any

<u>Greg</u>		<u>Cook</u>
<small>(GIVEN NAME)</small>	<small>(MIDDLE INITIAL OR NAME)</small>	<small>FAMILY (OR LAST NAME)</small>

Inventor's signature Gregory L Cook

Date 1-10-97 Country of Citizenship US

Residence 3622 Nesbit Lake Road, Jacksonville, AL 36265

Post Office Address 3622 Nesbit Lake Road, Jacksonville, AL 36265

(check proper box(es) for any of the following added page(s)  
that form a part of this declaration)

☒ Signature for fourth and subsequent joint inventors. Number of pages added \_\_\_\_\_

. . .

☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added \_\_\_\_\_

. . .

☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. Number of pages added \_\_\_\_\_

. . .

☐ Added page for signature by one joint inventor on behalf of deceased inventor(s) where legal representative cannot be appointed in time. (37 CFR 1.47)

. . .

☒ Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (C-I-P) application.

☒ Number of pages added 3

. . .

☐ Authorization of attorney(s) to accept and follow instructions from representative.

. . .

(if no further pages form a part of this Declaration,  
then end this Declaration with this page and check the following item)

☐ This declaration ends with this page.

(Declaration and Power of Attorney [1-1]—page 6 of 6)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

STATEMENT UNDER 37 CFR §3.73(b)

Applicant: McIntosh et al.

Application No: \_\_\_\_\_  
(CONT of 10/218,848)

Filed: March 26, 2004

Title: FOLDING MULTI-TOOL WITH ADJUSTABLE PLIERS

Assignee: Leatherman Tool Group, Inc., an Oregon corporation  
(Type of Assignee, e.g., corporation, partnership,  
university, government agency, etc.)

states that it is the assignee of the entire right, title and interest in  
the patent application identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application  
identified above. The assignment was recorded in the Patent and  
Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy  
thereof is attached.

OR

B. ☒ a chain of title from the inventor(s), of the patent application  
identified above, to the current assignee as shown below:

1. From: Herman J. McIntosh, Ken E. Griffey, Greg Cook  
and Larry Hinchman To: Bear MGC Cutlery Co., Inc.  
The document was recorded in the Patent and Trademark Office at  
Reel 8378, Frame 0938, or for which a copy thereof is attached.
2. From: Bear MGC Cutlery Co., Inc. To: Leatherman Tool Group, Inc.  
The document was recorded in the Patent and Trademark Office at  
Reel 011325, Frame 0083, or for which a copy thereof is  
attached.

☐ Copies of assignments or other documents in the chain of title are  
attached. (Where one or more of the documents is unrecorded.)

The undersigned (whose title is supplied below) is empowered to sign  
this Statement on behalf of the assignee.

Date: March 26, 2004

Name: Donald B. Haslett

Title: Attorney for Assignee (copy of Power of Attorney is attached)

Signature: 

Chernoff, Vilhauer, McClung & Stenzel, LLP  
1600 ODS Tower  
601 S.W. Second Avenue  
Portland, Oregon 97204-3157  
Tel: (503) 227-5631

(Customer No. 000152)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COPY

PATENT APPLICATION EXAMINING OPERATIONS

Applicant : McIntosh, et al. Group Art Unit: 3723  
 Serial No.: 09/204.432 Examiner: Smith, J.  
 Filed : December 3, 1998 Attorney Docket No:  
 DBH:0756.626  
 Title : FOLDING MULTI-TOOL WITH ADJUSTABLE PLIERS

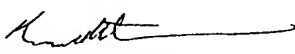
REVOCATION AND SUBSTITUTION OF POWER OF ATTORNEY

I, Timothy S. Leatherman, declare that I am the President of Leatherman Tool Group, Inc., an Oregon corporation, and am authorized to execute this document on its behalf. Leatherman Tool Group, Inc. is the assignee of the entire right, title and interest in the above-identified patent application and hereby revokes all previous powers of attorney or authorizations of agent given in the above-identified application, and appoints Jacob E. Vilhauer, Jr., Reg. No. 24,885, Charles D. McClung, Reg. No. 26,568, Dennis E. Stenzel, Reg. No. 28,763, Donald B. Haslett, Reg. No. 28,855, William O. Geny, Reg. No. 27,444, J. Peter Staples, Reg. No. 30,690, Nancy J. Moriarty, Reg. No. 40,733, Bruce W. DeKock, Reg. No. 40,585, Kevin L. Russell, Reg. No. 38,292, and Timothy A. Long, Reg. No. 28,876, all of the firm of CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP, 1600 ODS Tower, 601 S.W. Second Avenue, Portland, Oregon 97204-3157, telephone No. (503) 227-5631, its attorneys, jointly and individually, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

LEATHERMAN TOOL GROUP, INC.

Dated: May 15, 2001

  
 By: Timothy S. Leatherman  
 President